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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,535	08/04/2005	Takashi Ishida	2004_2019A	2534
52349 7590 10/16/2008 WENDEROTH, LIND & PONACK L.L.P. 2033 K. STREET, NW SUITE 800 WASHINGTON, DC 20006				
EXAMINER				
CHOW, VAN NGUYEN				
ART UNIT		PAPER NUMBER		
2627				
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10/16/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/519,535

Applicant(s)

ISHIDA ET AL.

Examiner

Van N. Chow

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,7,9 and 11-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,3,4,7,9 and 11-23 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 09/02/2008 has been entered.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 3, 7, 9, 11-17, 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukushima Toshiyushi (JP 2000-322818) in view of Obayashi et al. (US 2004/0015708).

Regarding claim 1, Fukushima discloses an optical disc comprising:

a data recording area for recording data (see Fig.1); and

a drive information area for recording drive-specific information (see Fig. 5), wherein:

the drive information area comprises a plurality of clusters (see Figs. 5-7),
each cluster comprises a plurality of sectors (see Fig. 5),
each sector has capacity for storing one record of drive-specific information (see Figs. 1-7),

the plural records of drive-specific information are arranged in an order in which the plural records were recorded with a last-recorded record of the plural records of drive-specific information located in a first sector of a current cluster following a last sector of a previous cluster (see Fig. 5-7),

new drive-specific information is newly recorded to a first sector in a new cluster (see Fig. 6, note the new cluster is the cluster after update),

information from all sectors except a last sector in an immediately preceding cluster is newly recorded to sectors following the first sector in the new cluster (see Fig. 6, # $(n+16)$ which includes the new drive-specific information, the immediately preceding cluster being recorded with all previous records of drive-specific information (see Fig. 6, # $(n+16) \dots \#n$).

Obayashi et al. discloses an optical disc comprising a recording area with a new cluster is immediately next to a preceding cluster in the same drive information area in the optical disc.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide an optical disc comprising a new cluster is immediately next to a preceding cluster in the same drive information area in the optical disc in Fukushima as suggested by Obayashi, the motivation being in order to have larger recording capacity.

Regarding claims 3, 15-17, 20-22, the combination of Fukushima and Obayashi, Fukushima Figs. 1.-7, discloses an optical disc as described in claim 1, wherein the drive-specific

information includes at least a manufacturer identifier for identifying a manufacturer of an optical disc drive and the writing unit is operable to write the manufacturer identifier to the drive information area; drive-specific information includes recording/playback conditions including a required laser power level, and the writing unit is operable to write the recording/playback conditions including the required laser power level to the drive information area (see Fukushima Figs. 5-6 and [0073]-[0077]).

Regarding claims 7, 9 and 19, see rejection above of claim 1.

Regarding claims 11-14, an optical disc as described in claim 13, wherein the drive identifier is a serial number of the optical disc (see Fig. 6); wherein the new cluster is immediately next to the preceding cluster in the same drive information area in an outward radial direction of the optical disc.; and wherein the drive-specific information includes a drive identifier of the optical disc drive; and wherein the drive-specific information includes recording/playback conditions including a required laser power level (see Fukushima Figs. 5-6 and [0073]-[0077]).

Claims 4,18 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukushima Toshiyuki (JP 2000-322818), Obayashi et al. (US 2004/0015708) in view of Yamagami et al. (US 6,256,282).

Regarding claims 4,18 and 23, Fukushima, see Figs. 1-7, discloses an optical disc as described in claim 1, discloses an information recording medium 101 (see Fig. 1) and read by a read beam incident thereto from the same side (see Fig. 8), wherein has a drive information area for recording drive-specific information (see Fig. 4); the drive information area for recording drive-specific information is disposed to the first recording layer, and an area in the second

recording layer at a same radial position as the drive information area is unrecorded, and the writing unit is operable to write the drive-specific information to the first recording layer (see Fukushima Figs. 5-6 and [0073]-[0077]).

Yamagami, see cols. 5-6, discloses an optical disc comprising at least a first recording layer and a second recording layer each read by a read beam incident thereto from the same side, and the area in the second recording layer at the same radial position of layer 1.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide an optical disc comprising at least a first recording layer and a second recording layer in Fukushima as suggested by Yamagami, the motivation being in order to have larger recording capacity (see Yamagami col. 5).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5805546.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van N. Chow whose telephone number is (571)272-7590. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne R. Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Van N. Chow/
Examiner, Art Unit 2627

/Wayne Young/
Supervisory Patent Examiner, Art Unit
2627